

VIEWS DIFFER ON RIGHT TO CALL CONGRESS

Claim That It Can Convene
Itself Starts Wide
Discussion.

WHITMAN IS OPPOSED
Party Leaders Not Agreed
That President's Action
Is Not Necessary.

Lively discussion was aroused yesterday by an editorial published Saturday in the Albany Evening Journal, of which William Barnes is editor, which argued that "Congress should convene itself" in extraordinary session "so that the business of the United States which demands attention may be done." Constitutional lawyers and statesmen were in deep discussion as to the possibility of Congress being legally able to convene itself by authority of the "extraordinary session" clause in Article II, section 3, of the Constitution. The general tone of opinion of those reached by The Sun yesterday was negative.

"The constitution of the United States provides a method for the convening Congress, under the mandate that at least once in every year, and once a year, the exact wording of the constitution is as follows: Art. I, Sec. 4: 'The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.'"

"It would appear, from the reading of this provision, that unless Congress has by law, which requires the signature of the President, provided for a day other than the first Monday in December for the assembly of Congress, there is no power to prevent such meeting. The clause of the constitution above quoted is in the nature of a guarantee to the people, and as against a failure to meet, and administrative for the purpose of providing a customary rule for meeting; but nothing in the constitution can be construed to prevent a majority of each House from convening upon its own motion for the purpose of transacting public business."

"Art. 2, Sec. 3, of the constitution gives the power to the President on extraordinary occasions to convene both Houses. This power, which is vested in the President, to call the Congress together, makes him a judge of what is an 'extraordinary occasion,' but it does not make him the sole judge. But I do not consider it helpful to the President or the Congress may itself constitute some occasion extraordinary and convene itself for the transaction of the necessary public business to meet an extraordinary situation."

"It is not conceivable that the Congress of the United States should not have power to convene itself during nine months of extraordinary national emergency if the President happened to be recalcitrant and refused to convene it."

"The legislative body of the nation is provided for in Art. I, Sec. 1 of the Constitution, as follows: 'All legislative power shall be granted to the Congress of the United States, which shall consist of a Senate and a House of Representatives.' The Congress represents the legislative power of the people, and therefore is dealt with in the first article. The executive is dealt with in Article 2, as it is the agent to administer the laws which the Congress enacts."

"At the time when the impeachment of Gov. Sulzer was under advisement, the Legislature of the State of New York happened to be in extraordinary session called by Gov. Sulzer under the provisions of the Constitution of the State of New York, which provides that at an extraordinary session no matters can be acted upon except those presented to the Legislature by the Governor."

"The Albany Journal at that time called attention to the fact—when the point was raised that the Assembly of the State, convened as it was in extraordinary session, under the provision of the Constitution, had no power to impeach Gov. Sulzer—that the power of the Assembly to impeach lay at any time; that it could convene itself for the purpose of impeachment. It was inconceivable that the Assembly, which was lodged the power of impeachment, the opportunity to exercise that power should be denied because it did not happen to be in session. This argument was accepted by the Court of Impeachment, and Gov. Sulzer was convicted, apparently in violation of the letter of the Constitution of the State."

"It is equally true that the Congress of the United States may convene itself for the purposes of the nation which it represents regardless of the proviso referred to at the beginning of this article. The Congress just adjourned without delay spent three months doing practically nothing and left public business of the United States uncared for. Most important measures failed of passage through the House of Representatives and many bills and railroad deficiency bill all failed. It is necessary that these measures be passed and that constructive legislation be enacted. Mr. Wilson has announced that he will not call an extra session of the Congress until he has returned to the White House. Curiously enough he asserts that the Congress ought not to be in session while he is in Paris, although he absented himself and remained in Paris during practically the entire short session, which began in December and closed on the fourth of March last. He has conveyed the impression that a Democratic Congress might sit while he is in Paris, but that a Republican Congress shall not be permitted to do so."

"The Congress should assemble almost immediately. As the President has announced that he will not convene it under the power granted to him in the Constitution it should exercise on its own motion its undoubted right to act so that the business of the United States which demands attention may be done."

question which he had often discussed and heard discussed in Washington. "It is generally admitted that he said, 'that an extraordinary session of Congress can only be held when called by the President. Opponents of that belief, however, declare that there is a clause in the Constitution which would permit Congress to call an extra session on its own account, but my personal opinion is that such a session must be called by the President.'"

Ex-Gov. Charles S. Whitman expressed this opinion: "Although I haven't given the subject close study, nevertheless I feel to see how Congress can call itself into special session. Even under the Constitutional provision referred to, Congress would have to enact a law setting a date. How could it enact a law without first getting into session? We are right where we started; it would not get the session without enacting a law. Furthermore, if this puzzle were to be solved there remains the President's veto power, which would be exercised. I see nothing in the suggestion."

Louis Marshall, after again delving into the Constitution, last night reached the conclusion that Congress has no such power as to convene itself in extraordinary session. He also believes the President has the "exclusive right" to call Congress in extraordinary session.

TAFT JOINS WILSON ON IRISH QUESTION

Heckled in Church of Ascension Forum, He Calls It Domestic.

Former President Taft again aligned himself last night with President Wilson upon the interpretation of the powers vested in the Peace Conference when during an address before the forum of the Church of the Ascension, Fifth avenue and Tenth street, he was heckled by a group of Irish-Americans.

In his address Mr. Taft strove to demonstrate the necessity for a League of Nations to suppress war and maintain peace. He was saying that the basis for the League of Nations is the fourteen points of President Wilson, as outlined in the President's speech last January.

"These points," he said, "are set forth with sufficient clearness to show the subject matter that the treaty must consider. It is to keep Germany down and grant, so far as possible, the determination to the peoples of the earth. It is planned to make four States out of Russia, Poland, the Ukraine and 'Czechoslovakia' a woman in front of him."

Several voices took up the cry of Ireland, but above the noise thundered Mr. Taft's voice. "No," he said, "Ireland does not come within the sphere of war. We have sympathy for Ireland. I yield to no man in my sympathy for Ireland. But I do not consider it helpful to the President or the Congress may itself constitute some occasion extraordinary and convene itself for the transaction of the necessary public business to meet an extraordinary situation."

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BORAH URGES VOTE ON WILSON LEAGUE

Senator Predicts American
People Would Flatly Re-
ject Covenant.

GOFF MAKES REVELATION
Quotes President as Saying He
Could Not Advocate Ireland's
Cause in Paris.

Flat rejection by the American people of the Wilson League of Nations covenant was predicted by United States Senator William E. Borah of Idaho when he spoke on the League of Nations before the sympathetic Clann-na-Gael last night in the Brooklyn Academy of Music.

"It may be that the people want it," said Senator Borah. "But let's have a plebiscite. Let the men whose money and suffering have paid for liberty have a say in this great matter. Let the mothers who are asked to provide sons to fight in quagmire other than our own have a say about it. Let the sweethearts and sisters of our boys read their opinion. And let the soldiers who have just returned or who are to return from the war and who know what is going on over there have a chance to ballot. I for one am not afraid of their decision."

Uproarious cheers in two languages testified to the approval of the 3,000 persons who attended the meeting to commemorate the birthday of Robert Emmet and to record their opposition to any world league that leaves Ireland out of its calculations. The cheers rang almost as loudly when Senator Borah accused ex-President Taft of a "dubious and cowardly interpretation" of the Wilson plan and said that Mr. Taft's construction of the covenant as it applies to the Monroe Doctrine was not justified by the facts.

The Idaho Senator's eloquent denunciation of the un-Americanism of the Wilson covenant followed a revelation on the part of Supreme Court Justice John W. Goff of what President Wilson actually said to the committee of Irishmen he consented to see last Tuesday night when he barred Supreme Court Justice Daniel F. Cohalan from the conference and refused to adopt resolutions calling on President Wilson to recognize the right of Ireland to self-determination and opposing any League of Nations guaranteeing the territorial integrity of members of the league or which would interfere with the right of the United States to control its own affairs.

Senator Borah, just returned from Boston, received the heartiest kind of welcome when he walked upon the stage at 9:30 P. M. Flashes of light from the fluted floor and galleries and there was three minutes of cheering. The Senator began by saying of Robert Emmet that he was the incarnation of the national spirit of Ireland. Although Emmet was executed his enemies could not destroy the spirit of nationality he stood for, the Senator said, and he believed that Ireland's struggle today in the Irish people than ever before.

"If men only realized that they cannot destroy the national spirit that lives in the hearts of men, they would come much closer toward obtaining permanent peace than through any League of Nations," he continued. "War would practice cease. Although for 500 years an effort has been made to destroy the Irish national spirit it is more vigorous than ever before."

Against Any Entanglement.
"The League of Nations ideal is of tremendous importance to the future of this country and to the independence of Ireland," he went on, "but the ideal of independence and liberty is dearer to our hearts than the mere ideal of peace. We Americans are devoted to peace, but we intend to retain the right to say what our obligations to the rest of the world shall be in obtaining peace. We must never entangle ourselves in the broils and turmoils of Europe and we must never permit the European system to get foothold on this side of the earth—on American soil."

"Our proud prestige is due to the fact that we have a Washington and a Lincoln, and his policy was adopted under circumstances and in conditions remarkable for the present, after the Napoleonic wars, and the European system of that policy will have bitter results to regret it. Mr. Taft is incorrect when he states that changes have made it impossible to follow the Washington advice. There are some principles so fundamental that they are not changed by time. The fathers who framed our Government foresaw the necessity beyond which statesmen will never go."

Senator Borah quoted Jefferson, Monroe and Henry Clay as definitely opposing participation in European politics and as opposing European participation in our affairs.

"Mr. Taft states," said Senator Borah, "that the Monroe Doctrine will be preserved because it will be extended to include the whole world. But the doctrine was framed for the express purpose of separating the political affairs of this part of the world from the political affairs of the other part. The question before the American people is, are we ready to desert from the two great policies established by the fathers of this country and by President Monroe, supported by Jefferson?"

Among the other speakers were Capt. Roger W. Straus, son of Oscar S. Straus, who has just returned after serving with the American forces in Siberia; Louis F. Post, Assistant Secretary of Labor; J. W. Abernethy, solicitor of the Labor Department; and Representatives Isaac Siegel of New York and Simeon D. Peas of Ohio.

MRS. MARTIN TO BE
VILLAGE PRESIDENT
Daughter of Col. de Peyster
Will Rule Madalin, N. Y.

REED ADVISES JEWS TO OPPOSE LEAGUE

Senator Recalls Mexican and
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Warning Speech.

MONROE DOCTRINE SAFE
"Nations Will Always Fight,"
Is View of Missouri Con-
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WASHINGTON, March 9.—Senator Reed (Mo.), speaking here today at a meeting held under the auspices of the Jewish Welfare Board, reiterated his opposition to the proposed constitution of the League of Nations, and called upon the Jews of America to oppose the league plan.

"We need not be afraid to express our opinions," said Senator Reed. "We have been forbidden to talk and even to think, but it is time to speak out when the safety and security of this nation is in jeopardy. I say nothing against President Wilson, but I take as my guide George Washington, Thomas Jefferson and Alexander Hamilton. I will consent at any time to take the word of Alexander Hamilton against that of George Reed or the word of Thomas Jefferson against that of Col. Howe."

Stands by Nation's Fathers.
"It is important that the American nation take this matter in hand and think it over very seriously. For 143 years this nation has carried on its business on a basis of a Constitution framed by the fathers, who, in their day, were the wisest men, Thomas Jefferson, Alexander Hamilton, George Washington, and by their brains and labors established a model republic. We have grown great and large and all of the nations of Europe have found a haven of refuge with us, but the Monroe Doctrine has kept the nations of Europe from interfering with the internal affairs in this country."

"Those who maintain that the present constitution of the League of Nations does not overthrow the traditional American policy of the Monroe Doctrine do not know what they are talking about. Let them examine that doctrine and they will see that it provides for two things—first, that Europe must keep its hands off the American continent, and second, that the United States will also keep out of European affairs."

Recalls Menace in Mexico.
"Think of the time when during the civil war a dined king was set up by France upon a throne in Mexico, and it was only when the returning American soldiers from the civil war had turned their faces toward Mexico that the project was abandoned. Such an affair may take place again. The American public must be warned and forewarned. Think of the Venezuelan affair, when Grover Cleveland had to call the attention of England to the existence of the Monroe Doctrine."

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Will Adjust Shipping Controversies on Pacific Coast.
WASHINGTON, March 9.—Creation of a joint board of conciliation on the Pacific coast to act in controversies between the Shipping Board and members of seamen unions in its employ was announced today by Chairman Hurley of the Shipping Board.

Composing the board will be one representative each on the San Francisco Division of Operations, the Waterfront Employers Union at San Francisco, the managers of Shipping Board vessels, the Sailors Union, the Marine Firemen, Oilers and Waterenders Union and the Marine Cooks and Stewards Union of the Pacific coast.

GANGSTERS KILL POLICEMAN.
Wound Two More Officers in Battle in Akron, Ohio—Two Arrests.
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ARMY AND NAVY MEN TRY TO HALT OPERA

Continued from First Page.

Indicated that the audience felt exactly the same kind and degree of regard for Germans in a New York theatre that they did in the submarine zone or before the Hindenburg line.

Even the authorities of the War Camp Community Service grew less emphatic in their protests against the growing determination of the men to take the law into their own hands if the authorities refused to act. They still protested that there must be no violence, but their tone was softened and their attitude more sympathetic than on the day before.

Service men in discussing the matter yesterday contended in most cases that the performances would not only insult the men and their fallen comrades, but also would have a bad effect on public opinion in the allied countries. This view seemed to be taken by most of the men in service clubs and canteens.

What Will Our Allies Think?
"What will they think in France?" "What would we think if we heard that the same thing was going to be done in Paris?"

Those were the questions propounded by the leader of one group of men in blue to his fellows. Their attitude was representative.

But one more hope of preventing the performance remains and that is action by the Mayor. The petition of the Naval Club to be presented to him is as follows:

"We the enlisted men of the United States Navy on duty and on leave in the port of New York protest at the proposed performances of German opera in the German language. We feel that such an undertaking at this time is insulting to our patriotism and to the memory of the brave boys who have given their lives that the world shall be free from German influence. We shall use all lawful endeavors to stop such a revolting and disgraceful revival of the German operatic."

So far as could be learned last night the promoters of the spectacle have made no change in their plans. The only person connected with the management who could be reached at the Lexington Avenue Theatre was a woman, engaged in selling tickets. Her limited acquaintance with anything but the German tongue made it difficult to extract information from her, but she intimated that she was ignorant of any change in the plans of the management.

WILLIAMS QUILTS JOB ON RAILROAD BOARD

Comptroller Finds Double
Duties Take Too Much Time.

WASHINGTON, March 9.—John Skelton Williams has resigned as Director of the Railroad Administration, Division of Finance and Purchases, but will remain as chairman of advisory committees to Director-General Hines, and will continue his duties as Comptroller of the Currency. Lack of time and energy to carry on his double functions were assigned as the reason for the action, in correspondence between Mr. Williams and Mr. Hines, made public today.

The division headed by Mr. Williams since the organization of the Railroad Administration fourteen months ago, will be divided into two parts, Henry R. Spencer, now chairman of the Railroad Advisory Purchasing Committee, directing temporarily the new division of purchases, and Director-General Hines giving personal direction to the division of finance.

Mr. Williams will become chairman of a finance committee and chairman of an advisory committee on purchases, and will continue a member of the Railroad Administration's staff, presiding at staff conferences in absence of the Director-General, as in the past.

Assisting Mr. Hines hereafter in the division of finance will be Charles S. Eddy, associate director. The question of providing funds for railroads, pending action by Congress at the next session, will be discussed to-morrow between officials of the Railroad Administration and the War Finance Corporation, and Tuxedo with representative railway executives and bankers.

Have you tried Tuxedo in the New Tea Foil Package? It has many advantages—Handier—fits the pocket. No digging the tobacco out with the fingers: Keeps the pure fragrance of Tuxedo to the last pipeful. Not quite as much tobacco as in the tin, but—10c.

Try This Test: Rub a little Tuxedo briskly in the palm of your hand to bring out its full aroma. Then smell it deep—its delicious, pure fragrance will convince you. Try this test with any other tobacco and we will let Tuxedo stand or fall on your judgment—

"Your Nose Knows"

Finest Burley Tobacco
Mellow-aged till perfect
+ a dash of Chocolate

"Your Nose Knows"

The Perfect Tobacco for Pipe and Cigarette

Guaranteed by
The American Tobacco Co.
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The Line of a Last is the quality mark to note in footwear. A line that looks well and a line that lasts.

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A Special in Men's Footwear

comes in the black broad toe Blucher Model, and also a medium toe, straight laced one. This shoe has Goodyear leather inner-soles, in which it differs from many of the shoes being sold at the same price.

Only \$4.96

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These seemingly unanswerable questions about that Income Tax are simplified when you tackle them in the right way. Help can be obtained by reading

1919 War Tax Guide

by William Kix Miller, Ph. B. J. D., and Arnold Bear, Ph. B. J. D. \$1.12

"Elevators on Other Side, Please"

Often as the fact has been mentioned, customers are daily informed that the elevators on the 34th Street side of the building do not go up to the Restaurant.

The elevators on the 35th Street side and in the rear, however, take passengers wishing to go as far as the eighth floor.

Express

There is, moreover, an express on the 34th Street side which makes no stop between the Main Floor and the Restaurant from 11 A. M. to 2:30 P. M.